

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

CR18-40119

Plaintiff,

vs.

GOVERNMENT'S RESPONSE TO  
REQUEST FOR NOTICE PURSUANT  
TO FED. R. EVID. 404(b)

MICHAEL BERNARD GOLDBERG,

Defendant.

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The United States agrees to provide the defendant with notice the Friday before trial of any evidence it intends to offer under Rule 404(b) of the Federal Rules of Evidence. The United States does note that evidence which is probative of a crime with which the defendant is charged and not solely some other uncharged crime is not other bad act evidence subject to the restrictions on admissibility provided in Rule 404(b). *United States v. Kinshaw*, 71 F.3d 268, 270 (8th Cir. 1995); *United States v. McMurray*, 34 F.3d 1405, 1411 (8th Cir. 1994); *United States v. Westbrook*, 896 F.2d 330, 334 (8th Cir. 1990).

Dated and electronically filed this 14th day of September, 2018.

RONALD A. PARSONS, JR.  
United States Attorney

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/s/ JENNIFER D. MAMMENGA

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